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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,048	03/27/2001	Takayuki Koganeya	Q63719	9193

7590 04/16/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

BARRETT, SUZANNE LALE DINO

ART UNIT PAPER NUMBER

3676

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/817,048	Applicant(s) KOGANEYA, TAKAYUKI	
	Examiner Suzanne Dino Barrett	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/03, 2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7-9,12,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Roach et al 5,434,394.

Roach et al teach automated methods for ordering products online through a salesclerks terminal or POS terminal and wherein the purchaser selects items from a display and transmits an order and a customer ID, and further wherein several authentication and identification information elements are generated and transmitted between the order receiving system and the shop ordering system to effect the transaction. Specifically, Roach et al teach product ordering system comprising a salesclerk terminal (point of sale terminal), an order reception system (main processor) and a shop ordering system (warehouse processor), wherein the main processor and warehouse processor communicate to process the order by receiving the order, generating and registering the order info and ID, and transmitting to each other and the sales terminal. Roach et al further provide that the order processing system integrates the processing functions between the three processors in order to enable processing in the shortest possible time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roach et al 5,434,394 in view of Applicant's cited literature by Morisawa, "Proposal for a processing model for a distributed processing system", 17 May 1996, Vol. 96 No. 41, pages 17-24.

While Roach et al teach the product ordering system discussed above having an integration of point of sale and warehouse processing functions through a main processor in the "shortest possible time", Roach et al fail to teach a simultaneous order system between the main processor and warehouse processor as claimed. However, Applicant's cited literature by Morisawa, as discussed in the concise explanation submitted with the IDS, teaches a "simultaneous order registration for two order placement systems by means of a single operation". Accordingly, it would have been obvious to one of ordinary skill in the art to modify the processing systems of Roach et al to maximize the short time frame desired by providing simultaneous registration as taught by Morisawa.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Initially, it is noted that the drawings have been indicated as approved and copies of the IDS filed 11/03 and 2/04 have been initialed. The objections to the specification and abstract have been obviated.

In response to Applicant's amendments and arguments, the claims are now rejected in view of the previously cited Roach et al '394 and Applicant's cited prior art reference to Morisawa as discussed above. While no complete English translation of the Morisawa literature has been furnished by Applicant, the concise explanation accompanying the IDS of 11/03 is relied upon for the teaching of a "simultaneous order registration for two order placement systems by means of a single operation". A complete translation of the cited literature has been requested and is pending. Regarding the Roach reference, Applicant has argued that enough explanation was not provided in the previous office action and thus, this action should be non-final. The Examiner disagrees and cites the relevant paragraph in the previous office action which clearly sets forth the main elements of the claimed ordering system. While the examiner did not specifically address each nuance of the claims, it is maintained that the discussion was clear. Furthermore, the Examiner has expanded her discussion in the instant rejection above such that Applicant should now clearly understand her interpretation. It is also noted that since claims 7-9, 12 and 13 do not recite the "simultaneous" transmission of the order to both the order reception system and the

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shop order system, they are rejected under 35 USC 102. Thus this action is a final rejection of claim 1-13.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

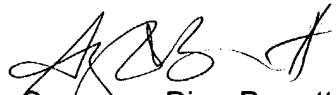
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note especially, the previously cited patents to Morohashi et al '003, Doyle et al '551, LeRoy et al '474, Chelliah et al '887, Miller '530, Cybul et al '997.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne Dino Barrett whose telephone number is 703-308-0825. The examiner can normally be reached on M-Th 8:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Suzanne Dino Barrett
Primary Examiner
Art Unit 3676

sdb